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F. #2019R01291

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

TIMOTHY MARTINEZ,

Defendant.

TO BE FILED UNDER SEAL

**AFFIDAVIT AND COMPLAINT IN
SUPPORT OF AN APPLICATION
FOR AN ARREST WARRANT**

(18 U.S.C. § 2252(a)(4)(B))

Case No. 20 MJ 123

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EASTERN DISTRICT OF NEW YORK, SS:

JOSHUA CROFT, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

On or about September 24, 2019, within the Eastern District of New York, the defendant TIMOTHY MARTINEZ did knowingly possess one or more books, magazines, periodicals, films, video tapes, or other matter which contained any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(4)(B))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI") since December 2016 and am assigned to the New York Office. I am currently assigned to the Child Exploitation Investigations Unit and have investigated violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through classroom trainings and daily work conducting these types of investigations. As a result of my training and experience, I am familiar with the techniques and methods used by individuals involved in criminal activity to conceal their activities from detection by law enforcement authorities. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting minors (individuals less than 18 years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from agents and witnesses.

3. In or about August 2018, I began investigating a Twitter account that had engaged in conversation while logged into a device with an IP address in Staten Island, New York (the "Staten Island Twitter Account") with an account of a user that purported to

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

be under 18 years old (the “Underage Twitter Account”). I was also able to obtain the email address associated with the Staten Island Twitter Account.

4. Based on my review of conversations between the accounts, provided by Twitter, I learned that the accounts engaged in a lengthy, multi-day conversation where the user of the Staten Island Twitter Account appears to have sent money to the user of the Underage Twitter Account in exchange for videos and images containing child pornography.

5. Based on my review of Apple records, provided by Apple, I learned that the email address associated with the Staten Island Twitter Account is also associated with an iCloud account that is registered to the defendant TIMOTHY MARTINEZ at an address in Staten Island, New York.

6. Based on my review of Charter Communications, Inc. records, provided by Charter Communications, Inc., I learned that the Staten Island IP address used to access the Staten Island Twitter Account is registered to the defendant TIMOTHY MARTINEZ at his residence in Staten Island, New York.

7. On September 12, 2019, I visited the defendant TIMOTHY MARTINEZ’s residence in Staten Island, New York. At that time, the mailbox for the defendant TIMOTHY MARTINEZ’s apartment showed that it is designated to receive mail for “Martinez.” During the course of my investigation I also learned that the defendant TIMOTHY MARTINEZ is divorced and lives alone.

8. As a result of the investigation, on September 24, 2019, HSI’s Child Exploitation Investigations Unit (“CEIU”) executed a search warrant of the defendant

TIMOTHY MARTINEZ's residence in Staten Island, New York.² The execution of the search warrant yielded, among other things, a Toshiba Satellite laptop (2019SZ0128930, LI 001).

9. On the Toshiba Satellite laptop recovered from the defendant TIMOTHY MARTINEZ's residence, law enforcement officers found over 600 images of child pornography. Several of these images depicting child pornography are described as follows:

- a. **Record #203** is a photograph focused on the groin area of a prepubescent female in which an adult male's hand is seen in the frame penetrating the child's vagina with his fingers;
- b. **Record #490** is a photograph focused on the head and neck of an 8-11 year old female child with a strap or leash fastened around her neck, and an adult male inserting his penis into the child's mouth;
- c. **Record #555** is a photograph focused on the groin area of a prepubescent female in which an adult male is attempting to penetrate the child's vagina with his fingers and the child's hand is reaching down to cover her genitals; and
- d. **Record #606** is a photograph focused on the back and buttocks of a prepubescent female with an adult male holding his erect penis near the child's buttocks, appearing to be positioning it for insertion.

WHEREFORE, your deponent respectfully requests that the defendant TIMOTHY MARTINEZ, be dealt with according to law.

I further request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, I have learned that criminals actively

² On September 13, 2019, the Honorable Lois Bloom signed a search warrant to search the defendant TIMOTHY MARTINEZ's residence for evidence of child pornography. (No. 19-MJ-817.)

search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving the defendant an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence and change patterns of behavior.



JOSHUA CROFT

Special Agent, United States Department of
Homeland Security, Homeland Security
Investigations

Sworn to before me this
5th day of February, 2020

THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK